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C.W.

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| 10/075,082 | 02/13/2002 | Anthony C. Parra | | 7564 |

7590 07/10/2003
Robert L. Marsh
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Wheaton, IL 60189-4468

EXAMINER

MARKS, CHRISTINA M

| ART UNIT | PAPER NUMBER |
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3713

DATE MAILED: 07/10/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,082

Applicant(s)

PARRA ET AL.

Examiner

C. Marks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

The listing of references in the specification (US Patent No. 5,839,960) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the 1) headset for use by the dealer, 2) caricature features of animals on the table must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "71" has been used to designate both sockets and second monitor viewable remotely by supervisor.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 1) 77 – second monitor viewed by a supervisor, 2) 78 – headset, and 3) 80 – microphone.

The drawings are objected to because in FIG 4, the phone (reference 34) is improperly labeled as reference 31.

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A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh (US Patent No. 5,726,706) in view of Chapman (US Patent No. 6,450,706).

Walsh discloses a casino game station that has a table including an upper surface (FIG 1, reference 25) wherein though Walsh does not explicitly disclose so, the table axiomatically has marking thereon for use in the playing of a game of chance wherein a plurality of playing stations are designated for each player to participate in a game of chance. Further a dealer station would also be axiomatic. Walsh also discloses a canopy extending from a vertical extension wherein the canopy is placed above the table (FIG 1, reference 22). Inside the canopy is disposed a motion video camera positioned towards the upper surface to record the playing of the game being played on the upper surface of the table (Column 1, lines 45-47).

Though Walsh does disclose a canopy member extending from a vertical support of the ceiling, the exact format as claimed by the applicant is not disclosed.

Chapman discloses a second alternative method for supporting a camera used to record footage. Chapman discloses a pedestal that includes a base member and a member extending vertically from the base until an upper end. At the upper end, a horizontal member extends until an upper end wherein the camera is disposed.

It would have been obvious to one of ordinary skill in the art to employ the structural means of Chapman into the system of Walsh. The means in which the camera is mounted is a design choice, and absent a showing of criticality would have been obvious to one of ordinary

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skill in the art. In the incorporation of the Chapman design into the system of Walsh, one of ordinary skill in the art would understand the camera would be disposed in a canopy as it is disclosed by Walsh that monitoring should be unobtrusive (Column 1, lines 41-42).

Further, it would be obvious to use the crane system of Chapman as opposed to solely mounting the camera on the ceiling as is known in the art and also disclosed by Walsh that monitoring should be concealed as well as be at a close distance to the table. Thus by using a crane system with a canopy as a design alternative, a system where the camera would be unobtrusive to the user and still within an acceptable distance to the table would be achieved. Absent from the fact that the crane system is a very obvious design choice of one in the art, one of ordinary skill in the art would be further motivated to employ the crane system as it would allow for a better position of the camera as well as the ability to incorporate a camera with more features as using the crane would inherently provide more room to store the camera, thus allowing larger more powerful cameras.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh (US Patent No. 5,726,706) in view of Chapman (US Patent No. 6,450,706) further in view of Wynn et al. (US Patent No. 5,971,271).

What Walsh and Chapman disclose, teach, and/or suggest has been discussed above and is incorporated herein.

Walsh does not disclose a headset for the dealer in order to be connected to a supervisor. However, it is well known in the art that dealers are in constant communication with their

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supervisors in order to keep an order to the game as well as for contact in case of arising situations.

Wynn et al. disclose incorporating an audio channel between a user and a central location manned by those who can communicate with the user in order to provide assistance (Abstract). Though Wynn et al. disclose this functionality to assist the players, one of ordinary skill in the art would immediately recognize the functionality disclosed by the headset device could be equally adaptive to a table game in order to keep the dealer in communication with supervisors. One of ordinary skill in the art would be motivated to provide the dealer at the table as disclosed by Walsh et al. with such a headset in order to allow the dealer to communicate audio messages to the supervisor who is viewing the feed of the camera to not only provide the supervisor with more information relating to the game but to also receive instructions from the supervisor as how to handle situations the supervisor may see arising. This would increase the security of the table already present by the camera thus creating an even greater means to ensure the integrity of the game within the casino.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh (US Patent No. 5,726,706) in view of Chapman (US Patent No. 6,450,706) further in view of Parra et al. (US Patent No. 5,876,283).

What Walsh and Chapman disclose, teach, and/or suggest has been discussed above and is incorporated herein.

Because the disclosure of Walsh is related to the security features of the gaming table and not the table itself, Walsh does not explicitly disclose the markings that make up the table.

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Subsequently; however, the markings on a gaming table are notoriously well known in the art are thereby obvious design choices.

In concurrence to that which is being claimed, Parra et al. disclose the marking on the upper surface of the table include caricatures of animals at each play station with each station have an associated animal. Parra et al. discloses that by associating each position with an animal it adds aesthetics to the game that will provide the bettor with a distinguishing factor in their choice of sitting position that will thus cause a loyalty to that position (Column 6, lines 5-15).

One of ordinary skill in the art would have been thus motivated to incorporate animals only the table as disclosed by Walsh in order to provide the bettors with a distinguishing factor and thereby creating loyalty as disclosed by Parra et al. One of ordinary skill in the art would be motivated to do this as it is an obvious design choice as well as the fact that by creating loyalty, players will be more likely to continue to play there and thus continue to make bets.

Claims 4, 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh (US Patent No. 5,726,706) in view of Chapman (US Patent No. 6,450,706) further in view of Sines et al. (US Patent No. 6,270,404).

What Walsh and Chapman disclose, teach, and/or suggest has been discussed above and is incorporated herein.

Walsh and Chapman do not disclose incorporating a means to display information in their systems.

Sines et al. disclose using a monitor for displaying the game to the user as the user plays (FIG 2). These monitors show the contents of the game to the players by substituting for actual

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cards. Further, during idle times in the game, the monitors are used to display advertising material to the players (Column 17, lines 32-35).

It would have been obvious to one of ordinary skill in the art to employ the display means of Sines et al. into the system of Walsh et al. wherein instead of displaying the cards to the player as disclosed by Sines et al. the system of Walsh et al. would broadcast that which is being filmed. It is notoriously well known in the art that the filmed data from the camera is broadcast for viewing. By incorporating the teaching of Sines et al. involving using monitors at the gaming table, it would be obvious to one of ordinary skill in the art that these monitors could also be used not only to enhance security in games where cards are replaced, but also be used to enhance security in games where cards are not replaced by displaying the taped game to the users. By doing this, the users would be more aware of what is going on around them and would be more inclined to detect and report mischievous acts as such acts could directly affect them. Therefore, one of ordinary skill in the art would be motivated to incorporate the filmed data from an actual card game into the monitor of Sines et al. as by involving a greater number of people in the security of the system, the casino security would get a lot more exposure thus becoming more effective.

Further, one of ordinary skill in the art would be motivated to mount this monitor on the pedestal apparatus as disclosed by Chapman because when the monitor would be displaying advertising material as disclosed by Sines et al. it would reach a greater amount of people in the casino as opposed to just the players of the table game thus enhancing the value of the advertisement. The placement of the monitor would be a design choice and it would thus be obvious to one of ordinary skill in the art. Additionally, one of ordinary skill in the art would be

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further motivated to mount the monitor in a higher position, such as the number of mounting positions axiomatically available on the Chapman crane, as it would then be able to be broadcast to a number of people instead of just the user at the playing station. In addition to advertising displays, one of ordinary skill in the art would further understand that by mounting the displays at a higher position as disclosed above to broadcast the camera signal, a greater number of patrons/employees would be encompassed in monitoring security as the feed from the game would be broadcast to the entire viewing area thus greatly discouraging cheaters as they would feel more likely to be caught.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh (US Patent No. 5,726,706) in view of Chapman (US Patent No. 6,450,706) further in view of Parra et al. (US Patent No. 5,839,960).

What Walsh and Chapman disclose, teach, and/or suggest has been discussed above and is incorporated herein.

Because the disclosure of Walsh is related to the security features of the gaming table and not the table itself, Walsh does not explicitly disclose a socket for use with a telephone for patrons.

Parra et al. disclose a gaming table that incorporates a telephone into the table in order to provide the players with the opportunity to make or receive calls, make reservations, etc. without having to leave the table (Column 12, lines 30-67). By making this incorporation, each player can be provided with the convenience of being in contact with those not at the table, but not have to leave their spot at the table in order to do so.

One of ordinary skill in the art would thus be motivated to make this incorporation into the system of Walsh, as it is disclosed by Parra et al. that player convenience is thus enhanced and thus the player will not be forced to move from their spot at the table in order to take care of business issues. Further, such a design choice would have been obvious to one of ordinary skill in the art. It is known in the art that sometimes players wait a long time to achieve their spots as well as the fact that players may think that their current spot is lucky. Thus, by allowing players to make contact with others without having to leave the table as disclosed by Parra et al. the players enjoyment would be greatly increased and the player would be more likely to stay at their position and thus place more bets likely to generate even more revenue for the casino.

Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh (US Patent No. 5,726,706) in view of Chapman (US Patent No. 6,450,706) further in view of Jones, II et al. (US Patent No. 6,154,131).

What Walsh and Chapman disclose, teach, and/or suggest has been discussed above and is incorporated herein.

Walsh does not disclose what becomes of the video that is taped from the cameras disposed in the canopy. However, it is notoriously well known in the art that when surveillance cameras are being used to monitor gaming tables, the feed from the camera is sent to a remote video display for observation by a supervisor.

Jones, II et al. support this fact as it is disclosed that video surveillance requires a human element that must always be present and evaluate the actions of the persons at the gaming table as taped by the optical security system.

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Therefore, it is obvious to the system of Walsh that a remote video display is connected to the video camera wherein a human element must be monitoring the feed in order to detect cheating and/or other mischievous acts.

Claims 8-9 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh (US Patent No. 5,726,706) in view of Chapman (US Patent No. 6,450,706) further in view of Breeding et al. (US Patent No. 6,299,534).

What Walsh and Chapman disclose, teach, and/or suggest has been discussed above and is incorporated herein.

Walsh and Chapman do not disclose a tray in accordance with the pedestal in which the tray can be fitted with a retainer for retaining extra chips.

Dealer stations are notoriously well known in the art as assistance means to provide the dealer with extra paraphernalia that may be required in the game. Such stations are known to include extra chip retainers. These caddies can be associated with the table or movable from table to table.

Breeding et al. disclose such a type of caddy (FIG 1) that provides the dealer with supplemental functionality in addition to what can be stored at the table. Though Breeding et al. do not explicitly disclose that a chip retainer is held in the station, such an incorporation would have been obvious to one of ordinary skill in the art as it is notoriously well known that every dealer needs sets of chips to properly handle wagers and that the chips can be used at a relatively fast pace, thus supplying an extra retainer would be obvious to one of ordinary skill in the art.

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Further, it would have been obvious as a design choice to mount the tray at a location other than on the actual gaming table. One of ordinary skill in the art would understand the location to which the station is mounted is not critical and thus obvious as long as it is in a position of easy accessibility by the dealer. Thus it would have been obvious to one of ordinary skill in the art to mount the station on the crane as provided by Chapman as the station would still be easily accessible by the dealer. Further, one of ordinary skill in the art would be motivated to mount the tray on the crane as there is plenty of area available on the crane and by moving the tray there, the area of the table would not be thus crowded and special adaptations would not be required to the table which is known to be constantly changed. By incorporating the dealer station in the stationary crane device, it would not become a concern when the table top is being serviced, as the felt is often changed in addition to the actual game as is notoriously well known in the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,585,586: Gaming table with camera monitoring device positioned on the table within a canopy to monitor the actions of the game.

US Patent No. 6,517,073: Dealer tray is disclosed wherein external components to assist the dealer are disposed.

US Patent No. 6,116,597: Gaming machine for use by a player that includes a chip holder, a telephone and an extra chip retainer to aid the player.

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US Patent No. 6,527,271: Gaming system that uses a camera to aid in the detection of fraudulent play by users.

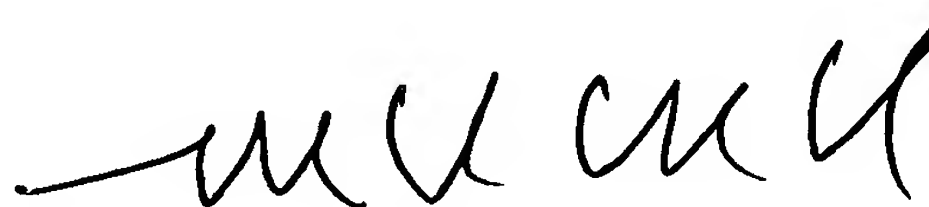
US Patent No. 5,735,742: Gaming system that uses a camera hooked into an overall surveillance system to detect the actions of players.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Thursday (7:30AM - 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael O'Neill, Acting SPE, can be reached on (703)-308-3484. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9302 for regular communications and (703)-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1148.


cmm
July 7, 2003



**MICHAEL O'NEILL
PRIMARY EXAMINER**